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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,038	10/10/2001	Takeshi Ono	50195-270	5054

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Washington, DC 20005-3096

EXAMINER

PIERRE, MYRIAM

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/973,038	Applicant(s) ONO ET AL.	
	Examiner Myriam Pierre	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/24/200 has been entered.

Response to Argument

2. Applicant argues that Mikio does not disclose the claimed speech recognition updateable system and method for operating a speech recognition updateable system because Mikio does not disclose an operating setting section and means for operating setting section which serve to replace a recognition word preliminarily in the storing section with a spoken word as a new recognition word under the registration mode so as to register newly an operation pattern corresponding to the replaced spoken word, and the newly registered operation pattern is one of an operation pattern stored preliminarily in the storing section and an operation pattern set newly by the driver. This argument is not persuasive. Mikio teaches a voice profile for current users which is stored and has to be registered in order for there to be a distinction between conversational speech and command speech, page 10 paragraph 76 lines 1-8; page 5 paragraph 40 lines 1-10 and page 6 paragraph 43 lines 1-4. Newly recognized words that are operational patterns are based on command words that will not be confused with conversational words, the

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newly registered words are for more than one user, which Mikio describes individual humanity news for two or more personals via a discernment means, M19, this data is stored in order for there to be a comparison between the users voice as well as conversational words and command words, page 3 paragraph 24 lines 1-8. Mikio does disclose the claimed speech recognition updateable system and method for operating a speech recognition updateable system because Mikio does disclose an operating setting section and means for operating setting section which serve to replace a recognition word preliminarily in the storing section with a spoken word as a new recognition word under the registration mode so as to register newly an operation pattern corresponding to the replaced spoken word, and the newly registered operation pattern is one of an operation pattern stored preliminarily in the storing section and an operation pattern set newly by the driver.

3. As to claims 10 and 16-17, Applicant argues that Mikio does not disclose the method for operating a speech recognition updateable system applied to a vehicle wherein the operation setting a recognition word stored preliminarily in the storing means is replaced with a spoken word as a new recognition word under the registration mode so as to register newly an operation pattern corresponding to the replaced spoken word, and the newly registered operation pattern is one of an operation pattern stored preliminarily in the storing section and an operation pattern set newly by the driver. This argument is not persuasive. Mikio teaches a voice profile for current users which is stored and has to be registered in order for there to be a distinction between conversational speech and command speech, page 10 paragraph 76 lines 1-8; page 5 paragraph 40 lines 1-10 and page 6 paragraph 43 lines 1-4. Newly recognized words that are operational

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patterns are based on command words that will not be confused with conversational words, the newly registered words are for more than one user, which Mikio describes individual humanity news for two or more persons via a discernment means, M19, this data is stored in order for there to be a comparison between the users voice as well as conversational words and command words, page 3 paragraph 24 lines 1-8. Mikio does disclose the method for operating a speech recognition updateable system applied to a vehicle wherein the operation setting a recognition word stored preliminarily in the storing means is replaced with a spoken word as a new recognition word under the registration mode so as to register newly an operation pattern corresponding to the replaced spoken word, and the newly registered operation pattern is one of an operation pattern stored preliminarily in the storing section and an operation pattern set newly by the driver.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikio (JP 11-351901 Translated text attached) in view of Everhart (6,230,138).

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As to claims 10 and 16-17, Mikio teaches a speech recognition updatable applied to a vehicle, comprising:

a speech collecting device collecting a set of words spoken by a driver (page 2 paragraph 10 lines 1-5);

a storing section (data storage) storing preliminarily a set of recognition words (key words) used for speech recognition and a set of operation patterns (index or category), associated with the recognition words (page 2 paragraphs 11 lines 1-5, 15 lines 1-5; and page 6 paragraph 46; page 3 paragraph 19 lines 1-9); and

a searching section (setting out means) searching a recognition word, which has the highest matching degree with a spoken word (demand presumption means), from the set of recognition words (page 2 paragraph 12, 15, page 3 paragraph 18 lines paragraph 24 lines 4-8).

a mode setting section setting (operation gestalt) a registration mode for registering a new recognition word and a new operation pattern corresponding to the new recognition word (operation gestalt, utterances...memorizes a dialog database, (thus new recognition words are inherent in memorizing dialog) page 5 paragraph 37-38, page 3 paragraph 10 lines 1-4, paragraph 21 lines 1-5; page 2 paragraph 11 lines 1-5; page 10 paragraph 76 lines 1-8 and paragraph 77 lines 1-3);

a communication unit communicates with a base station (page 2 paragraph 9 lines 3-5);

an input device inputting various information for communicating with the base station (internet) via the communication unit (wireless) (page 2 paragraphs 7-9);

an operation setting (activity setting) section setting a new operation pattern to a new recognition under the registration mode, based on information obtained in communication with the base station (page 1 paragraph 9, 11 and page 3 paragraph 21 lines 1-7);

a registration section (ignition switch, page 10 paragraph 76) registering the new recognition word and the new operation pattern set by the operation setting section in the storing section (page 2 paragraph 12 lines 1-7 and page 3 paragraph 18 lines 1-7);

a control section controlling the vehicle device, based on an operation pattern corresponding to a recognition word searched by the searching section (page 2 paragraph 9); and

wherein the operation setting section serves to replace a recognition word stored preliminarily in the storing section with a spoken word as a new recognition word under the registration mode as to register newly an operation pattern corresponding to the replaced spoken word, (page 1 paragraph 11-12, 15 and page 3 paragraphs 20-25, 29 lines 1-7); and

wherein the newly registered operation pattern is one of an operation pattern stored preliminarily in the storing section and an operation pattern set newly by the driver (paragraph 16).

Mikio does not explicitly teach recognition of words of a vehicle device.

However, Everhart does teach recognition of words of a vehicle device (col. 3 lines 45-50; vehicle accessories).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the control device of Mikio into the in-vehicle speech recognition of Everhart, because Everhart teaches that this would provide communication of data to the vehicle

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accessories to permit adjustment of all controllable function parameters associated with each accessory, col. 3 lines 41-46.

As to claim 12, which depends on claim 10, Mikio teaches wherein the input device includes a keyboard (page 2 paragraph 9 lines 3-5 and paragraph 10 lines 1-2) and

wherein the operation setting section serves to allocate newly an operational pattern to a new recognition word selected from information inputted by the keyboard under the registration mode (page 1 paragraph 10 lines 1-6, 12 lines 1-6 and 16; and page 3 paragraph 24 lines 3-7);

As to claim 13, which depends on claim 10, Mikio teaches wherein the operational setting section is able to access a word database of the base station via the communication unit for thereby setting newly an operational pattern to a new recognition word in the word database (page 2 paragraphs 9 lines 3-5 and 12 lines 3-5; and page 3 paragraph 18 lines 1-7);

As to claim 14, which depends on claim 10, Mikio teaches the operation setting section is able to set an icon (gestalt) to a new recognition word registered under the registration mode (ignition switch) (page 7 paragraph 55 lines 1-8; and page 10 paragraph 76 lines 1-6);

As to claim 15, which depends on claim 10, Mikio teaches the control section allows a display device to display at least one of a set new registration word registered by the operation

setting section under the registration mode and an icon associated with the new recognition word (page 10 paragraph 76, page 3 paragraph 18 lines 1-7, 20-23, and page 7 paragraph 52 lines 1-5).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. see PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 571-272-7611. The examiner can normally be reached on Monday - Friday from 5:30 a.m. - 2:00p.m.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information as to the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Myriam Pierre
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9-20/06


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SUPERVISORY PATENT EXAMINER